



# Livingston City Commission Minutes

**November 06, 2024 — 5:30 PM**

City – County Complex, Community Room

<https://us02web.zoom.us/j/81077717151?pwd=RHNyY1FpTlZKMlpaUzNlTduamhPZz09>

**Meeting ID: 810 7771 7151**

**Passcode: 896029**

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## 1. Call to Order

Chair Kahle called the meeting to order at 5:31 PM

## 2. Roll Call

Commissioners Present:

- Chair Kahle
- Vice-Chair Nootz
- Commissioner Schwarz
- Commissioner Willich

Commissioners Absent:

- Commissioner Lyons (excused)

City Staff Present:

- City Manager
- City Attorney Jon Hesse
- Human Resources Director Cari Rubin
- Planning Director Jennifer Severson

## 3. Public Comment

*Individuals are reminded that public comments should be limited to items over which the City Commission has supervision, control jurisdiction, or advisory power (MCA 2-3-202)*

Chair Kahle invited public comments on non-agenda or consent items and reminded speakers of the time limit and relevant rules.



- Leslie Feigel: Announced three upcoming ribbon-cutting events for new businesses in Livingston, inviting Commissioners, City staff, and the community to show support for local businesses.
- Patricia Grabow: Discussed the historical significance of Livingston, proposing it as a potential International World Heritage Site. She highlighted the uniqueness of Livingston's 400 historic buildings and emphasized the economic and cultural importance of recognizing and preserving this heritage. She invited the Commissioners and staff on a personal tour of the city's historic sites and mentioned the potential for Livingston's shops to play a role in producing passenger trains and hydrogen engines, suggesting this could be a valuable economic shift.

#### 4. Consent Items

Vice-Chair Nootz pulled Consent Item I and Chair Kahle pulled Consent Item A.

Vice-Chair Nootz made a motion, seconded by Commissioner Schwarz, to approve consent items B through H, J, and K. The motion passed unanimously.

Consent Item A - Approval of Minutes from October 1, 2024: Chair Kahle requested an edit on page 8 to correct Patricia's comment to "hydrogen trains" instead of "units for living." Chair Kahle thanked Vice-Chair Nootz for catching the detail.

Chair Kahle motioned to approve Consent Item A with edits seconded by Vice-Chair Nootz. The motion passed unanimously.

Consent Item I: Vice-Chair Nootz noted that, as a member of the Montana Federation of Public Employees Union, she would abstain from voting on this item.

Commissioner Willich made a motion to approve, seconded by Commissioner Schwarz. The motion passed from Chair Kahle, Commissioner Willich, and Commissioner Schwarz with one abstention from Vice-Chair Nootz.

- A. APPROVAL OF MINUTES FROM OCTOBER 01, 2024, REGULAR MEETING (PG.5)**
- B. APPROVAL OF CLAIMS PAID 9/26/24 - 10/9/24 (PG.16)**
- C. APPROVAL OF CLAIMS PAID 10/10/24 - 10/30/24 (PG.28)**
- D. PLEDGED SECURITIES 9/2024 (PG.41)**
- E. APPOINTMENT OF DEB KOWALZEK TO THE TOURISM BUSINESS IMPROVEMENT DISTRICT BOARD OF TRUSTEES (PG.45)**
- F. AGREEMENT 20123 WITH BRIDGER BOWL INCORPORATED FOR PARKING AT THE CIVIC CENTER (PG.50)**
- G. AGREEMENT 20124 WITH MONTANA DEPARTMENT OF TRANSPORTATION FOR THE LOCAL MANAGEMENT OF THE MONTANA STREET STPU PROJECT (PG.58)**



- H. **AGREEMENT 20125 WITH DAVID ROBINSON FOR RIGHT-OF-WAY IMPROVEMENTS (PG.77)**
- I. **AGREEMENT 20126 WITH MONTANA FEDERATION OF PUBLIC EMPLOYEES LIVINGSTON POLICE UNIT (PG.81)**
- J. **AGREEMENT 20129 WITH CLEARY BUILDING CORPORATION (PG.121)**
- K. **AGREEMENT 20132 WITH STATE OF MONTANA FOR AMENDMENT OF BUILDING LEASE**

(PG.135)

#### 5. Proclamations

- A. **A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, DECLARING NOVEMBER 8, 2024 AS WORLD TOWN PLANNING DAY IN LIVINGSTON MONTANA**

(PG.184)

Chair Kahle read the proclamation.

The City Manager expressed his thanks to the Planning Director and all community members involved in planning. He acknowledged that Livingston has both professional and amateur planners and appreciates their help.

Commissioner Willich expressed appreciation for the Planning Director's challenging role in balancing the city's growth needs with its historical preservation.

Vice-Chair Nootz shared a personal reflection on the progress Livingston has made in its planning department. She recalled the period before the city had a dedicated Planning Director, describing how one person used to juggle multiple roles related to planning. She expressed gratitude for the current Director's expertise.

Chair Kahle thanked the Planning Director and expressed appreciation for all her continued hard work for Livingston.

#### 6. Scheduled Public Comment

#### 7. Action Items

- A. **ORDINANCE 3055: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 2 OF THE LIVINGSTON MUNICIPAL CODE, ENTITLED GOVERNMENT AND ADMINISTRATION, TO CONFORM NOTICING PROVISIONS TO STATE LAW, REFLECT THE EXISTENCE OF THE CITY CLERK POSITION, MODIFY CITY COMMISSION VOTING RULES, ACKNOWLEDGE A NEW FEDERAL HOLIDAY AND MAKE TECHNICAL AND CONFORMING CHANGES. (PG.186)**



The City Manager stated this is the second reading of Ordinance 3055 and began by detailing the main objectives, which include amending the City Commission's voting rules, formalizing the position of the City Clerk, updating noticing provisions to comply with state law, and acknowledging a new federal holiday. The City Manager specifically emphasized the proposed modifications to quorum and voting requirements, which we discussed in previous Commission Meetings. He referenced page 193 of the agenda packet, which provided alternate language and additional reference to Chapter 30, and suggested the addition of Chapter 28 to cover subdivision requirements.

Vice-Chair Nootz asked if, from an administrative standpoint, it makes sense to separate out by chapter for voting.

City Manager responded that staff are accustomed to tracking and applying different voting thresholds when required by state law, so the ordinance's additional specifications should be manageable. He stated it really is up to the Commission how they would like to apply voting rules.

Commissioner Schwarz motioned to approve Ordinance 3055 seconded by Vice-Chair Nootz.

Vice-Chair Nootz stated she supports the recommendations in the staff report detailed on page 193 from the City Manager.

Commissioner Willich and Commissioner Schwarz agreed with Vice-Chair Nootz.

Chair Kahle added her thoughts stating support of this change, but made clear for land-use topics this sets up this commission and future commission up to see that voting requirements are met, and if not, a timely meeting will need to follow. She then asked the City Manager to clarify timing requirements for decisions on land-use applications.

City Manager explained that Montana law requires subdivision applications to be acted on within 85 days from when they're deemed sufficient, so that includes the land use review from the Land Use Board, noticing, then bringing it to the City Commission. He further stated in some cases they could be calling a Special Meeting as soon as two days after the first meeting.

Commissioner Willich voiced that each member of the Commission realizes what this job entails and stated if an additional meeting is what it takes then they will know that is something they have to do.

Vice-Chair Nootz expressed that she was not too concerned about this issue, she feels it will not be a frequent occurrence, especially under the current administration.

Vice-Chair Nootz motioned to amend the ordinance to include Chapter 28 subdivision regulations and recommendations from the staff report seconded by Commissioner Schwarz the motion. The amendment passed unanimously.

Commissioners proceeded to unanimously approve the amended motion.

**B. RESOLUTION NO. 5149: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2023-2024, BY MAKING APPROPRIATION**



**ADJUSTMENTS IN THE AMOUNT OF \$244,092 AND REVENUE ADJUSTMENTS IN THE AMOUNT OF \$1,801. (PG.195)**

The City Manager introduced Resolution No. 5149, explaining that this is the final budget amendment for the 2023-2024 fiscal year. He reminded the Commissioners that they had previously passed a resolution of intention to amend the budget and that tonight's resolution formalizes those changes. The City Manager detailed the specific adjustments, including additional funds for a road grader initially budgeted in FY22 but delivered later in FY23, as well as adjustments related to the Business Improvement District fund and Perpetual Cemetery funds, both of which received excess earnings.

Commissioner Willich motioned to approve Resolution 5149 seconded by Commissioner Schwarz.

Vice-Chair Nootz acknowledged that they get way fewer budget amendments than they used to, and expressed appreciation for this and stated it is good fiscal responsibility. The motion passed unanimously.

Chair Kahle motioned to enter closed session seconded Vice-Chair Nootz. Unanimously approved.

**C. CLOSED SESSION TO DISCUSS LEGAL STRATEGY PURSUANT TO MCA 2-3-203(4)(A) AND MATTERS OF INDIVIDUAL PRIVACY PURSUANT TO MCA 2-3-203(3).**

8. City Manager Comments

The City Manager thanked the Commission for tonight's meeting.

9. City Commission Comments

Commissioner Willich let the Commissioners know his mom passed away and encouraged everyone to call their parents because you never know when you won't be able to anymore.

Commissioner Schwarz – no comment

Vice-Chair Nootz expressed condolences to Commissioner Willich about the passing of his mom.

Chair Kahle also expressed condolences to Commissioner Willich.

10. Adjournment

7:00 PM Commissioner Schwarz motioned to adjourn the meeting seconded by Commissioner Willich. Unanimously approved.

## Calendar of Events

## Supplemental Material



## Notice

- **Public Comment:** The public can speak about an item on the agenda during discussion of that item by coming up to the table or podium, signing-in, and then waiting to be recognized by the Chairman. Individuals are reminded that public comments should be limited to items over which the City Commission has supervision, control, jurisdiction, or advisory power (MCA 2-3-202).
- **Meeting Recording:** An audio and/or video recording of the meeting, or any portion thereof, may be purchased by contacting the City Administration. The City does not warrant the audio and/or video recording as to content, quality, or clarity.
- **Special Accommodation:** If you need special accommodations to attend or participate in our meeting, please contact the Fire Department at least 24 hours in advance of the specific meeting you are planning on attending.